



МІНІСТЕРСТВО ЗАКОРДОННИХ СПРАВ УКРАЇНИ

№ 414/23-120-951

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Embassy of the United States of America to Ukraine and has the honor to acknowledge receipt of the Embassy's note №618, dated August 18, 2003, which reads as follows:

"In accordance with earlier discussions between representatives of the two governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training to include training related to defense articles under the United States International Military Education and Training program, and other defense services from the United States of America to the Government of Ukraine, it is proposed that the Government of Ukraine agree:

A. That, unless the consent of the Government of the United States of America has been first obtained, the Government of Ukraine shall not

(I) Permit any use of such defense articles, related training including training materials, or other defense service by anyone not an officer, employee or agent of the Government of Ukraine;

(II) Transfer, or permit any officer, employee or agent of the Government of Ukraine to transfer, such articles, related training including training materials, or other defense service by gift, sale or otherwise, or

THE EMBASSY
OF THE UNITED STATES OF
AMERICA TO UKRAINE
KYIV

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(III) Use or permit the use of such articles, related training including training materials, or other defense service for purposes other than those for which provided;

B. That said articles, related training including training materials, or defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were provided, unless the Government of the United States of America consents to another disposition;

C. That the net proceeds of sale received by the Government of Ukraine in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;

D. That the Government of Ukraine shall maintain the security of such articles, related training including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such articles, related training including training materials, or other defense services by the Government of the United States of America, that it shall, as the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of Ukraine; and

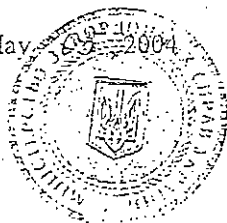
E. That the Government of the United States of America may also, from time to time, make the provision of other articles, services, and related training provided under other authority (except the United States Arms Export Control Act)

subject to the terms and conditions of this agreement. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers.)"

The Ministry of Foreign Affairs of Ukraine has the honour to confirm that the proposals set forth in the Embassy's note are acceptable to the Government of Ukraine and that the Embassy's note and this note in reply shall constitute an agreement between the two governments which shall enter into force on this date.

The Ministry of Foreign Affairs of Ukraine avails itself of this opportunity to renew to the Embassy of the United States of America to Ukraine the assurances of its highest consideration.

Kyiv, May 30, 2004



DDC
for D. Stouma
X MASS

No. 618

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of Ukraine and has the honor to refer to earlier discussions between representatives of the two governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training to include training related to defense articles under the United States International Military Education and Training program, and other defense services from the United States of America to the Government of Ukraine.

In accordance with these discussions, it is proposed that the Government of Ukraine agree:

A. That, unless the consent of the Government of the United States of America has been first obtained, the Government of Ukraine shall not:

(I) Permit any use of such defense articles, related training including training materials, or other defense service by anyone not an officer, employee or agent of the Government of Ukraine;

(II) Transfer, or permit any officer, employee or agent of the government of Ukraine to transfer, such articles, related training including training materials, or other defense service by gift, sale or otherwise; or

(III) Use or permit the use of such articles, related training including training materials, or other defense service for purposes other than those for which provided;

B. That said articles, related training including training materials, or defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were provided, unless the Government of the United States of America consents to another disposition;

C. That the net proceeds of sale received by the Government of Ukraine in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;

D. That the Government of Ukraine shall maintain the security of such articles, related training including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such articles, related training including training materials, or other defense services by the Government of the United States of America; that it shall, as the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of Ukraine; and

E. That the Government of the United States of America may also, from time to time, make the provision of other articles, services, and related training provided

under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of this agreement. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers.)

The Ministry's note stating that the foregoing is acceptable to the Government of Ukraine shall, together with this note, constitute an agreement between the two governments, which shall enter into force on the date of the Ministry's reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.



Embassy of the United States of America,

Kyiv, August 18, 2003